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|---------------------|---|-------------------------------|
| IN RE:              | : | Chapter 13                    |
|                     | : | Bankruptcy No. 13-14780 (MDC) |
|                     | : |                               |
| Otis W. Terry, Jr., | : | Claims litigation             |
|                     | : | Objection to Confirmation     |
|                     | : |                               |
| Debtor              | : |                               |

### CONSENT ORDER

AND NOW, this ~~18<sup>th</sup>~~ day of *September*, 2014, upon stipulation of Otis Terry and Patricia Terry and 2013 N. 16th Street, LLC (hereinafter, "2013 LLC") and Todd Joseph (hereinafter, "Joseph"), a copy of which is attached hereto as "Exhibit A", it is hereby **ORDERED** and **DECREED**, in resolution of the disputes between the named parties concerning competing proofs of claim, the provisions of Debtor's Chapter 13 Plan and regarding the validity of a certain Tax Sale Deed conveying Debtor's interest in Debtor's property, as follows :

1. The Stipulation attached hereto as Exhibit A is approved as an Order of this court and shall bind the parties accordingly;
2. The objection to confirmation of Debtor's chapter 13 plan filed by 2013 N. 16<sup>th</sup> Street, LLC (docket item # 45), is WITHDRAWN. The clerk of the court is directed to note this on the docket;
3. The proof of Claim, Claim # 1, filed by Debtor on behalf of 2013 LLC pursuant to Bankruptcy Rule 3004 is **DISALLOWED** as filed;
4. The substitute proof of claim, Claim #2, filed by 2013 LLC is **DISALLOWED** as filed;
5. The Tax Deed recorded with the Department of Records on January 15, 2013 and acknowledged by the Sheriff on December 11, 2012 purporting to convey 7128 Mount

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Airy Place, Philadelphia, PA 19119 to 2013 N. 16<sup>th</sup> Street LLC is avoided pursuant to 11 U.S.C. §§544(c) and 548(a)(1);

6. Pursuant to 11 U.S.C. §550(a)(1) title to 7128 Mount Airy Place, Philadelphia, PA 19119 is recovered by Debtor and Co-Debtor Patricia Terry for the benefit of the estate from 2013 N. 16<sup>th</sup> Street LLC.

7. By virtue of the avoidance of the Sheriff's Deed, and the property subject to the deed having been recovered from 2013 LLC, 2013 LLC has a lien on 7128 Mount Airy Place, Philadelphia, PA pursuant to 11 U.S.C. §550(e)(1) in the amount set forth below in paragraph 8;

8. By consent of the parties it is **hereby ORDERED** 2013 LLC has **an allowed secured claim in the amount of \$125,624.66**, secured by the aforementioned lien on 7128 Mount Airy Place, Philadelphia, PA 19119. The clerk of the court shall mark the claims docket to reflect the disallowance of Claim # 1 and Claim # 2 and to note the allowed secured claim provided by this **ORDER** ;

9. The allowed secured claim provided in this **ORDER** shall be paid in accordance with the provisions of the aforementioned Stipulation of Settlement and in accordance with the provisions of Debtor's Confirmed Chapter 13 Plan that is prepared and filed by Debtor pursuant thereto;

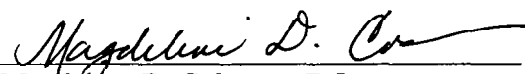
10. The avoidance of the Tax Sale Deed to 2013 LLC as set forth in paragraph 5 above and the recovery of the property transferred by that deed, pursuant to 11 U.S.C. §550(a)(1), set forth in paragraph 6 above, shall not disturb the distribution by the Sheriff of the City of Philadelphia from the \$120,000.00 that were paid to it by 2013 LLC and that were used

to satisfy liens on 7128 Mount Airy Place, Philadelphia, PA 19119 or to pay the Sheriff's costs, fees and commissions related to the sale. The liens that were paid off with funds distributed by the Sheriff from the sale constitutes part of the "improvement" to 7128 Mount Airy Place, Philadelphia, PA 19119, within the meaning of 11 U.S.C. §550(e)(2)(C) and (D), which entitles 2013 LLC to the lien provided for in paragraphs 7 and 8 above.

11. Immediately upon payment by the Debtor to 2013 LLC of funds from the Sheriff, in an amount of not less than \$63,00000, but not before, this **Order** may be recorded by the Debtor with the City of Philadelphia Department of Records to reflect that title to the property remains as it was prior to the recording of the aforementioned Tax Sale Deed and that the aforementioned tax Sale Deed is: **AVOIDED**;

12. This court shall retain jurisdiction over this order as is necessary to insure its enforcement..

So Ordered,

  
Magdelaine D. Coleman, B.J.  
*MAGDELINE*

cc: Irwin Trauss, Esquire  
Jane Nylund, Esquire  
Joanne Werdell, Esquire  
Philadelphia Legal Assistance  
718 Arch Street, Suite 300N  
Philadelphia, PA 19106

Jacqueline Chandler, Esquire  
William C. Miller, Trustee  
111 S. Independence Mall  
Suite 583  
Philadelphia, PA 19106